

Report No. 265.

IN THE HOUSE OF REPRESENTATIVES.

MARCH 3, 1857.

Read twice, and committed to the Committee of the Whole on the state of the Union.

MR. H. BENNETT, from the Committee on Public Lands, reported the following bill :

A BILL

To confirm to the several States their selections of swamp lands, and to protect actual settlers and purchasers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of the Interior shall, as soon as may be
4 practicable after the passage of this act, approve of the selec-
5 tions for swamp lands already made by the several States
6 under the act relating to swamp lands, approved September
7 twenty-eight, eighteen hundred and fifty, to the extent and
8 upon the terms and conditions hereinafter mentioned, if
9 accepted by said States respectively, so far as the same shall

10 remain unappropriated, and as to which no claim is or shall
11 be made under any sale, pre-emption, location or actual set-
12 tlement, under any existing law of the United States. All
13 lands claimed under any sale, location, pre-emption, or actual
14 settlement, or under the provisions of any existing law, are
15 hereby expressly excluded and excepted from the selections
16 and approval contemplated by this act, and are to be and
17 remain wholly unaffected by any selection or claim under the
18 act granting swamp lands, any decision or rule heretofore
19 adopted to the contrary notwithstanding: *Provided*, That no
20 land which, at the time of its selection was in possession of
21 an actual settler, shall be approved under this act or under
22 any existing law; and if the fact of settlement is not shown,
23 and any such lands shall be inadvertently approved, it shall be
24 void and of no effect as against such actual settler.

1 SEC. 2. *And be it further enacted*, That all persons, and
2 each and every person, who has or shall locate, pre-empt, pur-
3 chase, settle upon, or in any manner acquire a right or claim
4 to any lands selected by any State as swamp lands, shall be pro-
5 tected in his or their right thereto in all respects as if no act
6 to grant swamp lands had ever been made; and the approval
7 of said Secretary in the preceding section is to be made on
8 the express condition that said States respectively assent to
9 and comply with the provisions of this section and the other
10 provisions of this act. And an acceptance of the lands so to

11 be approved by said Secretary under this act shall be deemed
12 and taken as an acceptance by said States respectively of the
13 same upon the terms and conditions mentioned in this act,
14 and a release and waiver of any right or claim to make any
15 further selections of swamp lands by said States respectively.

1 SEC. 3. *And be it further enacted,* That all acts and
2 parts of acts granting swamp lands to the several States, or to
3 any State, be, and the same are hereby, repealed; and no fur-
4 ther selections shall be made under said acts of lands claimed as
5 swamp lands by the said several States, or any of them; and
6 the confirmation and approval to said States of lands already
7 selected by them as swamp lands, is made on the express con-
8 dition that this provision is also accepted and complied with
9 by said States respectively.

1 SEC. 4. *And be it further enacted,* That any person or
2 persons who have or shall hereafter contest the right of any
3 State to hold any land selected as swamp lands, under any ex-
4 isting law, on the ground that such land is not swamp land
5 within the meaning of the act of eighteen hundred and fifty
6 aforesaid, or has been so selected either erroneously or fraudu-
7 lently, in case it is decided not to be swamp lands within the
8 true meaning of said act, shall have the preference, as pur-
9 chaser or purchasers of such land, to the extent of their several
10 claim or claims, in the same manner as if such person or per-
11 sons had regularly pre-empted the said land: *Provided,* That

12 such land is not in the actual occupancy of some other person
13 having a right, by pre-emption or actual settlement prior to
14 the application, to contest the fact of its being swamp lands.

To confirm to the several States their selections
of swamp lands, and to protect actual sel-
lers and purchasers, and for other purposes.

MARCH 3, 1837.—Read twice, and committed to the Committee
of the Whole on the state of the Union.